

## **Restructuring Information Handbook Module 3**

### **Reduction in Force**

#### **Unit G, Detailed Index to Module 3 (December 2002 version)**

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**Introduction** The U.S. Office of Personnel Management developed the **Restructuring Information Handbook** to assist Federal agencies in identifying the mandatory statutory and regulatory procedures that apply to restructuring situations.

The Handbook also offers agencies options for minimizing or even eliminating the disruption that often results from restructuring.

There is no requirement for Federal agencies to use this Handbook. Also, the United States Court of Appeals for the Federal Circuit stated in **James v. Von Zemenszky**, 284 F.3D 1310 (2002), that: "... OPM's Restructuring Information Handbook is not a formal regulation, but merely an informal statement of agency views."

The structure of the Handbook assists the user in locating as much or as little restructuring information as the user needs. Some Modules contain only one **Unit** in addition to the two index units, while other Modules have two or more Units.

For subjects with mandatory statutory or regulatory requirements, **Unit A (Mandatory Requirements)** provides the user with a crash course on the subject in Section 1, and also with detailed information, complete with citations of requirements contained in law and regulation.

When appropriate, **Unit B (Guidance)** provides the user with useful guidance, including key appeals decisions from appellate bodies such as the Merit Systems Protection Board.

The summaries of appeals decisions are guidance prepared by individual OPM employees. The appeals summaries do not represent official summaries approved by OPM, the Board, or other appellate organizations, and are not intended to provide legal counsel or to be cited as legal authority. Instead, the appeals summaries inform and help the user locate relevant appellate precedents on a specific downsizing subject.

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**Unit F (Basic Index to Module)** and **Unit G (Detailed Index to Module)** help the user readily locate information within a specific Module.

Other Modules may contain additional Units, such as **Unit C (Appeals Index)**, and **Unit D (Samples)**.

Finally, Module 1 contains **Unit H, (Detailed Index to the Restructuring Information Handbook)**.

We welcome comments on the Restructuring Information Handbook.

Send any comments and suggestions to the Center for Talent and Capacity Policy at (202) 606-0960; FAX (202) 606-2329; or e-mail Thomas A. Glennon at [taglenno@opm.gov](mailto:taglenno@opm.gov).

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**Introduction** Restructuring Information Handbook Module 3 provides guidance on OPM's Reduction in Force regulations published in part 351 of title 5 of the Code of Federal Regulations (5 CFR part 351). Module 3 consists of seven Units: (1) Unit A, "Required Procedures," (2) Unit B, "Guidance," (3) Unit C, "Reduction in Force Appeals Index," (4) Unit F, "Basic Index to Module 3," (5) "Detailed Index to Module 4," (6) Unit F, "Basic Index to Module 3," and (7) "Detailed Index to Module 3." This is the December 2002 version of Unit G.

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30		NOTIFY OPM	3-A-30-8	A
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7		VERIFY AMOUNT OF CIVILIAN AND ARMED FORCES SERVICE IS CREDITABLE	3-E-7-1-(d)	E
14	CREDITABLE CIVILIAN SERVICE FOR RETENTION	OTHER SERVICE DEFINED BY LAW AS RETENTION CREDIT	3-A-14-3-(b)	A B
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14		SERVICE AS EMPLOYEE THAT MEETS 5 USC 2105(a) DEFINITION	3-A-14-3-(a)	A B
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3		260 DAY CONVERSION CHART	3-E-3-5	E
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5	CREDITABLE UNIFORMED SERVICE FOR RETENTION-AMOUNT OF SERVICE CREDIT	ACTIVE DUTY SERVICE BLOCKS CERTIFIED BY U.S. MILITARY ACADEMY	3-E-5-2-(b)	E
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5		PUBLIC HEALTH SERVICE COMMISSIONED CORPS (PHS)	3-E-5-10	E
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5	CREDITABLE UNIFORMED SERVICE FOR RETENTION-RETIRED MILITARY	DUAL COMPENSATION ACT LIMITATIONS ON RETENTION SERVICE CREDIT	3-E-5-1-(a)	E
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5		REFER TO DD 214	3-E-5-2	E
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14		PRIOR FEDERAL SERVICE	3-A-14-4-(b)	A B
6	DETERMINING RIF SERVICE CREDIT DATE-NOAA	RIF SERVICE CREDIT ONLY FOR ARMED FORCES SERVICE	3-E-6-6	E
6	DETERMINING RIF SERVICE CREDIT DATE-PHS	RIF SERVICE CREDIT ONLY FOR ARMED FORCES SERVICE	3-E-6-6	E
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6		DUAL COMPENSATION ACT LIMITATIONS ON RETENTION SERVICE CREDIT	3-E-6-1-(a)	E
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12	EXCEPTED SERVICE TEMPORARY POSITIONS	NOT COVERED IF LESS THAN 1 YEAR UNDER NTE 1 YEAR APPOINTMENT	3-A-12-2-(c)-(3)	A
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12		COMPETITIVE STATUS WHEN POSITION IS BROUGHT INTO SERVICE	3-A-12-2-(a)-(2)-(ii)	A
12		CORRECTION OF CERTAIN ADMINISTRATIVE ERROR UNDER EO 10826	3-A-12-2-(a)-(2)-(i)	A
12		EMPLOYEE ACQUIRES STATUS UNDER 5 USC 3304 AFTER TRANSFER	3-A-12-2-(a)-(2)-(v)	A
12		EMPLOYEE APPOINTED UNDER 5 USC 3104	3-A-12-2-(a)-(2)-(iv)	A
12		PENDING OPM RESOLUTION TO ACQUIRE STATUS AND TENURE	3-A-12-2-(a)-(2)-(i)	A
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12		GROUP II-COMPETITIVE SERVICE	CAREER-CONDITIONAL EMPLOYEE	3-A-12-2-(b)-(1)	A	
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12			PROBATIONARY EMPLOYEE UNDER 5 CFR 315-H	3-A-12-2-(b)-(2)	A	
12		GROUP II-EXCEPTED SERVICE	SERVING TRIAL PERIOD	3-A-12-3-(b)-(1)	A	
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12			MORE THAN 1 YEAR CONTINUOUS UNDER SAME TEMPORARY APPOINTMENT	3-A-12-2-(c)-(3)	A	
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5 USE OF RIF	RIF REQUIRED	DOWNGRADING	3-A-5-1	A	B
5		RIF FURLOUGH	3-A-5-1	A	B
5		SEPARATION	3-A-5-1	A	B
20 USING BUMP AND RETREAT IN MEETING ASSIGNMENT RIGHTS	AVAILABLE POSITION-BUMP RIGHT	BASED ON PERSONAL QUALIFICATIONS	3-A-20-1-(b)	A	
20		CURRENT PERFORMANCE RATING OF LEVEL 2 OR HIGHER	3-A-19-3-(c)	A	B
20		DIFFERENT COMPETITIVE LEVEL	3-A-20-1-(a)	A	B
20		LOWER TENURE GROUP	3-A-20-1-(a)	A	B
20		LOWER TENURE SUBGROUP IN SAME TENURE GROUP	3-A-20-1-(a)	A	B
20		MAY OR MAY NOT HAVE PREVIOUSLY HELD POSITION	3-A-20-1-(b)	A	
20		NOT REQUIRED TO CONSIDER SERVICE DATES	3-A-20-1-(c)	A	
20		WITHIN THREE GRADES OR GRADE- INTERVALS	3-A-20-1-(b)	A	
20	AVAILABLE POSITION-RETREAT RIGHT	CURRENT PERFORMANCE RATING OF LEVEL 2 OR HIGHER-LIMITED RIGHT	3-A-20-2-(d)	A	B
20		CURRENT PERFORMANCE RATING OF LEVEL 3 OR HIGHER-FULL RIGHT	3-A-20-2-(d)	A	B
20		DIFFERENT COMPETITIVE LEVEL	3-A-20-2	A	B
20		GRADE PROGRESSION ONLY OF EMPLOYEE'S CURRENT POSITION	3-A-20-2-(f)	A	B

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20 USING BUMP AND RETREAT IN MEETING ASSIGNMENT RIGHTS	AVAILABLE POSITION-RETREAT RIGHT	MORE CREDITABLE SERVICE	3-A-20-2-(a)	A
20		NO RETREAT RIGHT BASED ON PERSONAL QUALIFICATIONS	3-A-20-2-(e)	A B
20		PREVIOUSLY HELD SAME OR ESSENTIALLY IDENTICAL POSITION	3-A-20-2-(c)	A
20		SAME TENURE SUBGROUP AND SAME TENURE GROUP	3-A-20-2-(a)	A
20		WITHIN THREE GRADES OR GRADE-INTERVALS	3-A-20-2-(b)	A
20	AVAILABLE POSITION-RETREAT RIGHT-ESSENTIALLY IDENTICAL POSITION	HELD POSITION AS COMPETING EMPLOYEE IN ANY BRANCH	3-A-20-3-(a)	A B
20		MAY USE DIFFERENT COMPETITIVE LEVEL CRITERIA ON GRADE	3-A-20-3-(b)-(1)	A B
20		MAY USE DIFFERENT COMPETITIVE LEVEL CRITERIA ON SERIES	3-A-20-3-(b)-(2)	A B
20		MAY USE DIFFERENT COMPETITIVE LEVEL CRITERIA ON TYPE OF SERVICE	3-A-20-3-(b)-(4)	A B
20		MAY USE DIFFERENT COMPETITIVE LEVEL CRITERIA ON WORK SCHEDULE	3-A-20-3-(b)-(3)	A B
20		USES COMPETITIVE LEVEL CRITERIA ON DUTIES AND QUALIFICATIONS	3-A-20-3-(b)	A B
20	AVAILABLE POSITION-RETREAT RIGHT-SUBGROUP AD EMPLOYEE	WITHIN FIVE GRADES OR GRADE-INTERVALS	3-A-20-4	A
21 USING VACANCIES AS NON-RIF PLACEMENT OFFERS	AGENCY RIGHT TO FILL VACANT POSITIONS DURING RIF	AGENCY MAY FILL ALL, SOME, OR NO VACANCIES	3-A-21-6	A B

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21	OFFER (NON-RIF)	ALTERNATIVE OFFER IN LIEU OF RIF OFFER OF ASSIGNMENT	3-A-21-6-(b)-(3)	A
21		ASSIGNMENT GRADE LIMITS DO NOT APPLY	3-A-21-6-(c)	A
21		DOCUMENTATION AS VOLUNTARY NON- RIF ACTION	3-A-21-6-(e)	A
21		MERIT COMPETITION FOR POSITION WITH MORE PROMOTION POTENTIAL	3-A-21-6-(d)	A
21		OFFER IN LIEU OF RIF DOWNGRADING	3-A-21-6-(b)-(2)	A
21		OFFER IN LIEU OF RIF SEPARATION	3-A-21-6-(b)-(1)	A
21		POTENTIAL AVAILABLE POSITION FOR ANOTHER EMPLOYEE	3-A-21-6-(a)	A
21	OFFER (NON-RIF)-DIFFERENT LOCAL COMMUTING OFFER	REEMPLOYMENT PRIORITY LIST DOES NOT APPLY	3-A-21-6-(g)	A
21	OFFER (NON-RIF)-SAME LOCAL COMMUTING OFFER	REEMPLOYMENT PRIORITY LIST MAY APPLY	3-A-21-6-(f)	A
21 USING VACANCIES IN MEETING ASSIGNMENT RIGHTS	AGENCY RIGHT TO FILL VACANT POSITIONS DURING RIF	AGENCY MAY FILL ALL, SOME, OR NO VACANCIES	3-A-21-1	A B
21	OFFER	AVAILABLE POSITION IN CONTEXT OF RIF DATE	3-A-21-3-(a)	A B
21		BASED ON RELATIVE GROUP AND SUBGROUP STANDING	3-A-21-3-(c)	A B
21		GRADE AND GRADE-INTERVAL LIMITS EQUAL TO BUMP OR RETREAT RIGHTS	3-A-21-2-(a)-(3)	A

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21			MUST BE CONSISTENT WITH RIF REGULATIONS	3-A-21-3	A	B
21			REPRESENTATIVE RATE EQUAL TO BUMP OR RETREAT RIGHTS	3-A-21-2-(a)-(2)	A	
21			SAME COMPETITIVE AREA	3-A-21-2-(a)-(1)	A	
21			SATISFY BUMP OR RETREAT RIGHT OF ASSIGNMENT	3-A-21-2-(a)-(2)	A	
21		OFFER-REASON	ASSIGNMENT IN LIEU OF RIF SEPARATION	3-A-21-2	A	B
21			SATISFY BUMP OR RETREAT RIGHT OF ASSIGNMENT	3-A-21-2	A	B
28		OFFER-RESTRICTIONS	NO BASIS TO OFFER GROUP III EMPLOYEE ASSIGNMENT TO VACANCY	3-A-28-4-(b)	A	
21			NO HIGHER-STANDING EMPLOYEE HAS BUMP OR RETREAT RIGHT TO JOB	3-A-21-3-(b)	A	B
21			SERVICE DATE NOT USED UNLESS RETREAT RIGHT TO VACANCY	3-A-21-3-(d)	A	B
28		OPTION-OFFER OF FT VACANCY TO LESS THAN FT EMPLOYEE	OFFER ONLY IN LIEU OF RIF SEPARATION	3-A-28-6-(c)	A	
28		OPTION-OFFER OF LESS THAN FT VACANCY TO FT EMPLOYEE	OFFER ONLY IN LIEU OF RIF SEPARATION	3-A-28-6-(b)	A	
21		QUALIFICATIONS FOR ASSIGNMENT- GENERAL PROVISION	EMPLOYEE MUST BE QUALIFIED	3-A-21-4-(a)	A	B
21			UNDUE INTERRUPTION STANDARD	3-A-21-4-(b)	A	

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21		WAIVER OF QUALIFICATIONS FOR ASSIGNMENT	3-A-21-5	A B
22 USING VACANT TEMPORARY POSITIONS AS NON-RIF PLACEMENT OFFERS	OFFER (NON-RIF)	NOT AVAILABLE POSITION	3-A-22-1-(a)	A
22 USING VACANT TEMPORARY POSITIONS AS RIF ASSIGNMENT	OFFER	EMPLOYEE RETAINS SAME STATUS AND TENURE	3-A-22-2-(b)	A B
22		GRADE AND GRADE-INTERVAL LIMITS SAME AS BUMP OR RETREAT RIGHTS	3-A-22-2-(a)	A B
22		OFFER OF ASSIGNMENT ONLY IF EMPLOYEE HAS NO ASSIGNMENT RIGHT	3-A-22-2	A
22 USING VACANT TEMPORARY POSITIONS FOR CONVERSION IN LIEU OF RIF	OFFER OF CONVERSION-DIFFERENT LOCAL COMMUTING OFFER	REEMPLOYMENT PRIORITY LIST DOES NOT APPLY	3-A-22-4	A
22	OFFER OF CONVERSION-SAME LOCAL COMMUTING OFFER	REEMPLOYMENT PRIORITY LIST APPLIES	3-A-22-4	A
22 USING VACANT TEMPORARY POSITIONS FOR POST-RIF REEMPLOYMENT	AGENCY OPTION	OFFER OF REEMPLOYMENT IF EMPLOYEE HAS NO ASSIGNMENT RIGHT	3-A-22-3	A
22	DOCUMENTATION	RIF SEPARATION FOLLOWED BY NEW TEMPORARY APPOINTMENT	3-A-22-3-(b)	A
22	OFFER OF REEMPLOYMENT-DIFFERENT LOCAL COMMUTING OFFER	REEMPLOYMENT PRIORITY LIST DOES NOT APPLY	3-A-22-3-(a)	A
22	OFFER OF REEMPLOYMENT-SAME LOCAL COMMUTING OFFER	REEMPLOYMENT PRIORITY LIST APPLIES	3-A-22-3-(a)	A
22	PROCESSING APPOINTMENT	EMPLOYEE HAS NO STATUS AND TENURE	3-A-22-3-(d)	A

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22 USING VACANT TEMPORARY POSITIONS FOR POST-RIF REEMPLOYMENT	PROCESSING APPOINTMENT	NO BREAK IN SERVICE REQUIRED	3-A-22-3-(c)	A
13 VETERANS' PREFERENCE	DETAILED INFORMATION	OPM INFORMATION FOUND IN VET GUIDE	3-A-13-3-(c)	A
13	DISABLED VETERAN	DEFINITION IN 5 USC 2108(2)	3-A-13-4	A
13	DUAL COMPENSATION ACT OF 1964	LIMITS RETENTION PREFERENCE FOR RETIRED ARMED FORCE MEMBERS	3-A-13-3-(a)	A
13	ELIGIBILITY	DERIVATIVE PREFERENCE	3-A-13-7	A B
13		GULF WAR ERA FROM AUGUST 2, 1990 THROUGH JANUARY 2, 1992	3-A-13-6-(c)	A
13		INITIAL ENTRY INTO ARMED FORCES AFTER OCTOBER 15, 1976	3-A-13-6	A
13		INITIAL ENTRY INTO ARMED FORCES BEFORE OCTOBER 15, 1976	3-A-13-5	A
13		RETIRED MEMBER OF THE ARMED FORCES BASED ON 20 YEARS SERVICE	3-A-13-8	A B
13		RETIRED RESERVIST BEGINNING AT AGE 60	3-A-13-9	A B
13	GENERAL STATUTORY STANDARD	REFERENCE 5 USC 2108	3-A-13-3	A
13	RETENTION FACTOR	BASED ON ONE OF FOUR FACTORS IN 1944 VETERANS' PREFERENCE ACT	3-A-13-1	A B
13	RETENTION STANDING	NO AUTHORITY TO FREEZE PREFERENCE RECORDS BEFORE RIF	3-A-13-1-(a)	A
13		NO BASIS TO USE RECORDS NOT AVAILABLE BEFORE RIF	3-A-13-1-(b)	A B

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13		SUBGROUP AD	3-A-13-2-(a)	A
13		SUBGROUP B	3-A-13-2-(c)	A